

E-Filing

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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 MARIA DE JESUS FERNANDEZ,)

17 Defendant.)
18)
19)
20)

No. 05-70638 PVT

STIPULATION AND ^{RS} [PROPOSED]
ORDER EXCLUDING TIME

SAN JOSE VENUE

21 On September 8, 2005, the parties in this case appeared before the Court for an arraignment.
22 At that appearance, Assistant United States Attorney Susan Knight explained to the Court that
23 the government has offered the defendant a "fast-track" resolution of her illegal reentry case, and
24 that the parties are waiting for the petition relating to the defendant's supervised release violation
25 to be transferred from the Eastern District of California to the Northern District of California.
26 Once the supervised petition is transferred, the parties will file a Notice of Related Cases and
27 proceed in District Court. Therefore, the parties requested that the arraignment on both cases be
28 continued to September 29, 2005 at 9:30 a.m. In addition, the defendant, through her counsel,

1 agreed to an exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the
 2 Speedy Trial Act from September 8, 2005 to September 29, 2005. The parties agree and stipulate
 3 that an exclusion of time is appropriate based on the defendant's need for effective preparation of
 4 counsel.

5 SO STIPULATED:

KEVIN V. RYAN
 United States Attorney

7 DATED: _____

/s/
 SUSAN KNIGHT
 Assistant United States Attorney

9 DATED: _____


/s/
 ANGELA HANSEN
 Assistant Federal Public Defender

12 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
 13 continued to September 29, 2005 at 9:30 a.m. before the Honorable Judge Lloyd. Good cause
 14 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
 15 and 18 U.S.C. § 3060.

16 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
 17 Speedy Trial Act from September 8, 2005 to September 29, 2005. The Court finds, based on the
 18 aforementioned reasons, that the ends of justice served by granting the requested continuance
 19 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
 20 the requested continuance would deny defense counsel reasonable time necessary for effective
 21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
 22 of justice. The Court therefore concludes that this exclusion of time should be made under 18
 23 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

24 SO ORDERED.

26 DATED: 9/12/05


 RICHARD SEEBORG
 United States Magistrate Judge

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/S/) within this efiled document.

3
4 DATED: _____ /s/ _____
5 SUSAN KNIGHT
6 Assistant United States Attorney
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Other Documents

5:05-mj-70638-PVT USA v. Fernandez-Fernandez

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

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The following transaction was received from Knight, Susan on 9/12/2005 at 10:09 AM

Case Name: USA v. Fernandez-Fernandez
Case Number: 5:05-mj-70638
Filer: USA
Document Number: 9

Docket Text:

STIPULATION *and proposed order excluding time* by USA as to Maria De Jesus Fernandez-Fernandez (Knight, Susan) (Filed on 9/12/2005)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:N:\skreider\Fernandez_Rule_5_and_STA_exclusion1.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=9/12/2005] [FileNumber=2104696-0]

[66d391473db384c7df4ab705378fae69301ece994ce5fe4c86c47f8cb8e07fc40025e
5b17810c14751136dabd508f858025f2867bfcfeaf03d8d202b4bd802e0]]

5:05-mj-70638-1 Notice will be electronically mailed to:

Angela Milella Hansen Angela_Hansen@fd.org

5:05-mj-70638-1 Notice will NOT be electronically mailed to:

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